

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ROSENALDO BENITEZ,

Petitioner,

v.

WARDEN, FCI TEXARKANA,

Respondent.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 5:20-CV-32-RWS-JBB

ORDER

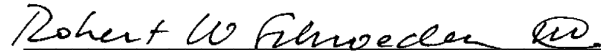
Petitioner Rosendo Benitez, a prisoner confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1.

The Court referred this matter to United States Magistrate Judge J. Boone Baxter for consideration pursuant to applicable laws and orders of this Court. In his report, the Magistrate recommends dismissing the petition. Docket No. 16. Proper notice was given to Petitioner at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). No objections to the report and recommendation of Magistrate Judge were filed by the parties. Thus, any aggrieved party is barred from *de novo* review by the district court of the proposed findings and recommendations of the magistrate judge.

The Court has received and considered the report and recommendation of the Magistrate Judge, along with the pleadings, record and all available evidence. There being no grounds of plain error or manifest injustice, the Court finds that his report and recommendation should be adopted. Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and

the report (Docket No. 16) of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in accordance with the Magistrate Judge's recommendation.

So ORDERED and SIGNED this 20th day of March, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE